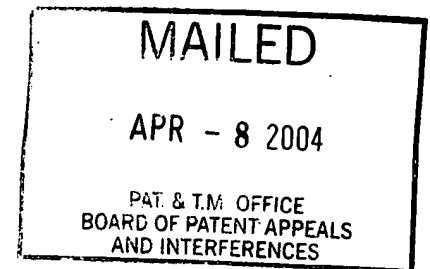


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WILLIAM POSSIDENTO

Application No. 09/734,601



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on March 19, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

According to the final rejection (Paper No. 11) filed November 27, 2002, claim 8 was rejected under 35 U.S.C. § 103(a) over Midgley in view of Gaines, and further in view of Hun. A review of the examiner's answer (Paper No. 16) mailed October 2, 2003, reveals that the examiner has not stated the reference to

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Hun in the statement of rejection to claim 8 under § 103(a) nor listed the Hun reference as prior art (see p. 3). It is not clear whether the Hun reference was withdrawn. Before further review of this file, the examiner must give a clear indication of the Hun reference in the statement of rejection to claim 8 under 35 U.S.C. § 103(a).

Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) clarification of the reference to Hun in the statement of rejection for claim 8 under § 103(a); 2) entry of the Hun reference as prior art, if appropriate; and 3) for such further action as may be appropriate.

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It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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FCH/tdl/mh
RA04-0390